

108TH CONGRESS
1ST SESSION

S. 1156

AN ACT

To amend title 38, United States Code, to improve and enhance provision of health care for veterans, to authorize major construction projects and other facilities matters for the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans Health Care, Capital Asset, and Business Im-
6 provement Act of 2003”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—HEALTH CARE AUTHORITIES AND RELATED MATTERS

Sec. 101. Improved benefits for former prisoners of war.
 Sec. 102. Provision of health care to veterans who participated in certain Department of Defense chemical and biological warfare testing.
 Sec. 103. Eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.
 Sec. 104. Enhancement of rehabilitative services.
 Sec. 105. Enhanced agreement authority for provision of nursing home care and adult day health care in contract facilities.
 Sec. 106. Five-year extension of period for provision of noninstitutional extended-care services and required nursing home care.
 Sec. 107. Expansion of Department of Veterans Affairs pilot program on assisted living for veterans.
 Sec. 108. Improvement of program for provision of specialized mental health services to veterans.

TITLE II—CONSTRUCTION AND FACILITIES MATTERS

Subtitle A—Program Authorities

Sec. 201. Increase in threshold for major medical facility construction projects.
 Sec. 202. Enhancements to enhanced-use lease authority.
 Sec. 203. Simplification of annual report on long-range health planning.

Subtitle B—Project Authorizations

Sec. 211. Authorization of major medical facility projects.
 Sec. 212. Authorization of major medical facility leases.
 Sec. 213. Advance planning authorizations.
 Sec. 214. Authorization of appropriations.

Subtitle C—Capital Asset Realignment for Enhanced Services Initiative

Sec. 221. Authorization of major construction projects in connection with Capital Asset Realignment Initiative.
 Sec. 222. Advance notification of capital asset realignment actions.
 Sec. 223. Sense of Congress and report on access to health care for veterans in rural areas.

Subtitle D—Plans for New Facilities

Sec. 231. Plans for facilities in specified areas.
 Sec. 232. Study and report on feasibility of coordination of veterans health care services in South Carolina with new university medical center.

Subtitle E—Designation of Facilities

Sec. 241. Designation of Department of Veterans Affairs medical center, Prescott, Arizona, as the Bob Stump Department of Veterans Affairs Medical Center.

- Sec. 242. Designation of Department of Veterans Affairs health care facility, Chicago, Illinois, as the Jesse Brown Department of Veterans Affairs Medical Center.
- Sec. 243. Designation of Department of Veterans Affairs medical center, Houston, Texas, as the Michael E. DeBakey Department of Veterans Affairs Medical Center.
- Sec. 244. Designation of Department of Veterans Affairs medical center, Salt Lake City, Utah, as the George E. Wahlen Department of Veterans Affairs Medical Center.
- Sec. 245. Designation of Department of Veterans Affairs outpatient clinic, New London, Connecticut.
- Sec. 246. Designation of Department of Veterans Affairs outpatient clinic, Horsham, Pennsylvania.

TITLE III—PERSONNEL MATTERS

- Sec. 301. Modification of certain authorities on appointment and promotion of personnel in the Veterans Health Administration.
- Sec. 302. Appointment of chiropractors in the Veterans Health Administration.
- Sec. 303. Additional pay for Saturday tours of duty for additional health care workers in the Veterans Health Administration.
- Sec. 304. Coverage of employees of Veterans' Canteen Service under additional employment laws.

TITLE IV—OTHER MATTERS

- Sec. 401. Office of Research Oversight in Veterans Health Administration.
- Sec. 402. Enhancement of authorities relating to nonprofit research corporations.
- Sec. 403. Department of Defense participation in Revolving Supply Fund purchases.
- Sec. 404. Five-year extension of housing assistance for homeless veterans.
- Sec. 405. Report date changes.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

1 **TITLE I—HEALTH CARE AU-**
 2 **THORITIES AND RELATED**
 3 **MATTERS**

4 **SEC. 101. IMPROVED BENEFITS FOR FORMER PRISONERS**
 5 **OF WAR.**

6 (a) OUTPATIENT DENTAL CARE FOR ALL FORMER
 7 PRISONERS OF WAR.—Section 1712(a)(1)(F) is amended
 8 by striking “and who was detained or interned for a period
 9 of not less than 90 days”.

10 (b) EXEMPTION FROM PHARMACY COPAYMENT RE-
 11 QUIREMENT.—Section 1722A(a)(3) is amended—

12 (1) by striking “or” at the end of subparagraph
 13 (A);

14 (2) by redesignating subparagraph (B) as sub-
 15 paragraph (C); and

16 (3) by inserting after subparagraph (A) the fol-
 17 lowing new subparagraph (B):

18 “(B) to a veteran who is a former prisoner of
 19 war; or”.

20 **SEC. 102. PROVISION OF HEALTH CARE TO VETERANS WHO**
 21 **PARTICIPATED IN CERTAIN DEPARTMENT OF**
 22 **DEFENSE CHEMICAL AND BIOLOGICAL WAR-**
 23 **FARE TESTING.**

24 Section 1710(e) is amended—

1 (1) in paragraph (1), by adding at the end the
 2 following new subparagraph:

3 “(E) Subject to paragraphs (2) and (3), a veteran
 4 who participated in a test conducted by the Department
 5 of Defense Deseret Test Center as part of a program for
 6 chemical and biological warfare testing from 1962 through
 7 1973 (including the program designated as ‘Project Ship-
 8 board Hazard and Defense (SHAD)’ and related land-
 9 based tests) is eligible for hospital care, medical services,
 10 and nursing home care under subsection (a)(2)(F) for any
 11 illness, notwithstanding that there is insufficient medical
 12 evidence to conclude that such illness is attributable to
 13 such testing.”;

14 (2) in paragraph (2)(B)—

15 (i) by striking out “paragraph (1)(C) or
 16 (1)(D)” and inserting “subparagraph (C), (D),
 17 or (E) of paragraph (1)”;

18 (ii) by striking “service described in that
 19 paragraph” and inserting “service or testing de-
 20 scribed in such subparagraph”;

21 (3) in paragraph (3)—

22 (A) by striking “and” at the end of sub-
 23 paragraph (B);

24 (B) by striking the period at the end of
 25 subparagraph (C) and inserting “; and”;

1 (C) by adding at the end the following new
 2 subparagraph:

3 “(D) in the case of care for a veteran described
 4 in paragraph (1)(E), after December 31, 2005.”.

5 **SEC. 103. ELIGIBILITY FOR DEPARTMENT OF VETERANS AF-**
 6 **FAIRS HEALTH CARE FOR CERTAIN FILIPINO**
 7 **WORLD WAR II VETERANS RESIDING IN THE**
 8 **UNITED STATES.**

9 The text of section 1734 is amended to read as fol-
 10 lows:

11 “(a) The Secretary shall furnish hospital and nursing
 12 home care and medical services to any individual described
 13 in subsection (b) in the same manner, and subject to the
 14 same terms and conditions, as apply to the furnishing of
 15 such care and services to individuals who are veterans as
 16 defined in section 101(2) of this title. Any disability of
 17 an individual described in subsection (b) that is a service-
 18 connected disability for purposes of this subchapter (as
 19 provided for under section 1735(2) of this title) shall be
 20 considered to be a service-connected disability for purposes
 21 of furnishing care and services under the preceding sen-
 22 tence.

23 “(b) Subsection (a) applies to any individual who is
 24 a Commonwealth Army veteran or new Philippine Scout
 25 and who—

1 “(1) is residing in the United States; and

2 “(2) is a citizen of the United States or an
3 alien lawfully admitted to the United States for per-
4 manent residence.”.

5 **SEC. 104. ENHANCEMENT OF REHABILITATIVE SERVICES.**

6 (a) REHABILITATIVE SERVICES THROUGH MEDICAL
7 CARE AUTHORITY.—Section 1701(8) is amended by strik-
8 ing “(other than those types of vocational rehabilitation
9 services provided under chapter 31 of this title)”.

10 (b) EXPANSION OF AUTHORIZED REHABILITATIVE
11 SERVICES.—(1) Section 1718 is amended—

12 (A) by redesignating subsections (d), (e), and
13 (f) as subsections (e), (f), and (g), respectively; and

14 (B) by inserting after subsection (c) the fol-
15 lowing new subsection (d):

16 “(d) In providing to a veteran rehabilitative services
17 under this chapter, the Secretary may furnish the veteran
18 with the following:

19 “(1) Work skills training and development serv-
20 ices.

21 “(2) Employment support services.

22 “(3) Job development and placement services.”.

23 (2) Subsection (c) of such section is amended—

1 (A) in paragraph (1), by striking “subsection
 2 (b) of this section” and inserting “subsection (b) or
 3 (d)”; and

4 (B) in paragraph (2)—

5 (i) by striking “subsection (b) of this sec-
 6 tion” and inserting “subsection (b) or (d)”; and

7 (ii) by striking “paragraph (2) of such
 8 subsection” and inserting “subsection (b)(2)”.

9 **SEC. 105. ENHANCED AGREEMENT AUTHORITY FOR PROVI-**
 10 **SION OF NURSING HOME CARE AND ADULT**
 11 **DAY HEALTH CARE IN CONTRACT FACILI-**
 12 **TIES.**

13 (a) ENHANCED AUTHORITY.—Subsection (c) of sec-
 14 tion 1720 is amended—

15 (1) by designating the existing text as para-
 16 graph (2); and

17 (2) by inserting before paragraph (2), as so
 18 designated, the following new paragraph (1):

19 “(1)(A) In furnishing nursing home care, adult day
 20 health care, or other extended care services under this sec-
 21 tion, the Secretary may enter into agreements for fur-
 22 nishing such care or services with—

23 “(i) in the case of the medicare program, a pro-
 24 vider of services that has entered into a provider

1 agreement under section 1866(a) of the Social Secu-
 2 rity Act (42 U.S.C. 1395cc(a)); and

3 “(ii) in the case of the medicaid program, a
 4 provider participating under a State plan under title
 5 XIX of such Act (42 U.S.C. 1396 et seq.).

6 “(B) In entering into an agreement under subpara-
 7 graph (A) with a provider of services described in clause
 8 (i) of that subparagraph or a provider described in clause
 9 (ii) of that subparagraph, the Secretary may use the pro-
 10 cedures available for entering into provider agreements
 11 under section 1866(a) of the Social Security Act.”.

12 (b) CONFORMING AMENDMENT.—Subsection
 13 (f)(1)(B) of such section is amended by inserting “or
 14 agreement” after “contract” each place it appears.

15 **SEC. 106. FIVE-YEAR EXTENSION OF PERIOD FOR PROVI-**
 16 **SION OF NONINSTITUTIONAL EXTENDED-**
 17 **CARE SERVICES AND REQUIRED NURSING**
 18 **HOME CARE.**

19 (a) NONINSTITUTIONAL EXTENDED CARE SERV-
 20 ICES.—Section 1701(10)(A) is amended by striking “the
 21 date of the enactment of the Veterans Millennium Health
 22 Care and Benefits Act and ending on December 31,
 23 2003,” and inserting “November 30, 1999, and ending on
 24 December 31, 2008,”.

1 (b) REQUIRED NURSING HOME CARE.—Section
 2 1710A(c) is amended by striking “December 31, 2003”
 3 and inserting “December 31, 2008”.

4 **SEC. 107. EXPANSION OF DEPARTMENT OF VETERANS AF-**
 5 **FAIRS PILOT PROGRAM ON ASSISTED LIVING**
 6 **FOR VETERANS.**

7 Section 103(b) of the Veterans Millennium Health
 8 Care and Benefits Act (Public Law 106–117; 113 Stat.
 9 1552; 38 U.S.C. 1710B note) is amended—

10 (1) by striking “LOCATION OF PILOT PRO-

11 GRAM.—” and inserting “LOCATIONS OF PILOT

12 PROGRAM.—(1)”; and

13 (2) by adding at the end the following new

14 paragraph:

15 “(2)(A) In addition to the health care region of the

16 Department selected for the pilot program under para-

17 graph (1), the Secretary may also carry out the pilot pro-

18 gram in not more than one additional designated health

19 care region of the Department selected by the Secretary

20 for purposes of this section.

21 “(B) Notwithstanding subsection (f), the authority of

22 the Secretary to provide services under the pilot program

23 in a health care region of the Department selected under

24 subparagraph (A) shall cease on the date that is three

1 years after the commencement of the provision of services
 2 under the pilot program in the health care region.”.

3 **SEC. 108. IMPROVEMENT OF PROGRAM FOR PROVISION OF**
 4 **SPECIALIZED MENTAL HEALTH SERVICES TO**
 5 **VETERANS.**

6 (a) INCREASE IN FUNDING.—Subsection (c) of sec-
 7 tion 116 of the Veterans Millennium Health Care and
 8 Benefits Act (Public Law 106–117; 113 Stat. 1559; 38
 9 U.S.C. 1712A note) is amended—

10 (1) in paragraph (1), by striking
 11 “\$15,000,000” and inserting “\$25,000,000 in each
 12 of fiscal years 2004, 2005, and 2006”;

13 (2) in paragraph (2), by striking
 14 “\$15,000,000” and inserting “\$25,000,000”; and

15 (3) in paragraph (3)—

16 (A) by inserting “(A)” after “(3)”; and

17 (B) by adding at the end the following new
 18 subparagraph:

19 “(B) For purposes of this paragraph, in fiscal years
 20 2004, 2005, and 2006, the fiscal year used to determine
 21 the baseline amount shall be fiscal year 2003.”.

22 (b) ALLOCATION OF FUNDS.—Subsection (d) of that
 23 section is amended—

1 (1) by striking “The Secretary” and inserting
2 “(1) In each of fiscal years 2004, 2005, and 2006,
3 the Secretary”; and

4 (2) by adding at the end the following new
5 paragraphs:

6 “(2) In allocating funds to facilities in a fiscal year
7 under paragraph (1), the Secretary shall ensure that—

8 “(A) not less than \$10,000,000 is allocated by
9 direct grants to programs that are identified by the
10 Mental Health Strategic Health Care Group and the
11 Committee on Care of Severely Chronically Mentally
12 Ill Veterans;

13 “(B) not less than \$5,000,000 is allocated for
14 programs on post-traumatic stress disorder; and

15 “(C) not less than \$5,000,000 is allocated for
16 programs on substance use disorder.

17 “(3) The Secretary shall provide that the funds to
18 be allocated under this section during each of fiscal years
19 2004, 2005, and 2006 are funds for a special purpose pro-
20 gram for which funds are not allocated through the Vet-
21 erans Equitable Resource Allocation system.”.

1 **TITLE II—CONSTRUCTION AND**
 2 **FACILITIES MATTERS**
 3 **Subtitle A—Program Authorities**

4 **SEC. 201. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**
 5 **FACILITY CONSTRUCTION PROJECTS.**

6 Section 8104(a)(3)(A) is amended by striking
 7 “\$4,000,000” and inserting “\$7,000,000”.

8 **SEC. 202. ENHANCEMENTS TO ENHANCED-USE LEASE AU-**
 9 **THORITY.**

10 (a) NOTIFICATION OF PROPERTY TO BE LEASED.—
 11 Section 8163 is amended—

12 (1) in the first sentence of subsection (a)—

13 (A) by striking “designate a property to be
 14 leased under an enhanced-use lease” and insert-
 15 ing “enter into an enhanced-use lease with re-
 16 spect to certain property”; and

17 (B) by striking “before making the des-
 18 ignation” and inserting “before entering into
 19 the lease”;

20 (2) in subsection (b), by striking “of the pro-
 21 posed designation” and inserting “to the congres-
 22 sional veterans’ affairs committees and to the public
 23 of the proposed lease”; and

24 (3) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) by striking “designate the property
 2 involved” and inserting “enter into an en-
 3 hanced-use lease of the property involved”;
 4 and

5 (ii) by striking “to so designate the
 6 property” and inserting “to enter into such
 7 lease”;

8 (B) in paragraph (2), by striking “90-day
 9 period” and inserting “45-day period”;

10 (C) in paragraph (3)—

11 (i) by striking “general description”
 12 in subparagraph (D) and inserting “de-
 13 scription of the provisions”; and

14 (ii) by adding at the end the following
 15 new subparagraph:

16 “(G) A summary of a cost-benefit analysis of
 17 the proposed lease.”; and

18 (D) by striking paragraph (4).

19 (b) DISPOSITION OF LEASED PROPERTY.—Section
 20 8164 is amended—

21 (1) in subsection (a)—

22 (A) by striking “by requesting the Admin-
 23 istrator of General Services to dispose of the
 24 property pursuant to subsection (b)” in the
 25 first sentence; and

1 (B) by striking the third sentence;

2 (2) in subsection (b)—

3 (A) by striking “Secretary and the Admin-
4 istrator of General Services jointly determine”
5 and inserting “Secretary determines”; and

6 (B) by striking “Secretary and the Admin-
7 istrator consider” and inserting “Secretary con-
8 siders”; and

9 (3) in subsection (c), by striking “90 days” and
10 inserting “45 days”.

11 (c) USE OF PROCEEDS.—Section 8165 is amended—

12 (1) in subsection (a)(2), by striking “and re-
13 maining after any deduction from such funds under
14 the laws referred to in subsection (c)”;

15 (2) in subsection (b), by adding at the end the
16 following new sentence: “The Secretary may use the
17 proceeds from any enhanced-use lease to reimburse
18 applicable appropriations of the Department for any
19 expenses incurred in the development of additional
20 enhanced-use leases.”; and

21 (3) by striking subsection (c).

22 (d) CLERICAL AMENDMENTS.—(1) The heading of
23 section 8163 is amended to read as follows:

1 **“§ 8163. Hearing and notice requirements regarding**
 2 **proposed leases”.**

3 (2) The item relating to section 8163 in the table of
 4 sections at the beginning of chapter 81 is amended to read
 5 as follows:

“8163. Hearing and notice requirements regarding proposed leases.”.

6 **SEC. 203. SIMPLIFICATION OF ANNUAL REPORT ON LONG-**
 7 **RANGE HEALTH PLANNING.**

8 Section 8107(b) is amended by striking paragraphs
 9 (3) and (4).

10 **Subtitle B—Project Authorizations**

11 **SEC. 211. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 12 **PROJECTS.**

13 The Secretary of Veterans Affairs may carry out the
 14 following major medical facility projects, with each project
 15 to be carried out in an amount not to exceed the amount
 16 specified for that project:

17 (1) Construction of a long-term care facility in
 18 Lebanon, Pennsylvania, \$14,500,000.

19 (2) Construction of a long-term care facility in
 20 Beckley, West Virginia, \$20,000,000.

21 (3) Construction of a new bed tower to consoli-
 22 date two inpatient sites of care in the city of Chi-
 23 cago at the West Side Division of the Department
 24 of Veterans Affairs health care system in Chicago,
 25 Illinois, in an amount not to exceed \$98,500,000.

1 (4) Seismic corrections to strengthen Medical
2 Center Building 1 of the Department of Veterans
3 Affairs health care system in San Diego, California,
4 in an amount not to exceed \$48,600,000.

5 (5) A project for (A) renovation of all inpatient
6 care wards at the West Haven, Connecticut, facility
7 of the Department of Veterans Affairs health system
8 in Connecticut to improve the environment of care
9 and enhance safety, privacy, and accessibility, and
10 (B) establishment of a consolidated medical research
11 facility at that facility, in an amount not to exceed
12 \$50,000,000.

13 (6) Construction of a Department of Veterans
14 Affairs-Department of the Navy joint venture com-
15 prehensive outpatient medical care facility to be built
16 on the grounds of the Pensacola Naval Air Station,
17 Pensacola, Florida, in an amount not to exceed
18 \$45,000,000.

19 **SEC. 212. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
20 **LEASES.**

21 The Secretary of Veterans Affairs may enter into
22 leases for medical facilities as follows:

23 (1) For an outpatient clinic in Charlotte, North
24 Carolina, in an amount not to exceed \$3,000,000.

1 (2) For an outpatient clinic extension, Boston,
2 Massachusetts, in an amount not to exceed
3 \$2,879,000.

4 **SEC. 213. ADVANCE PLANNING AUTHORIZATIONS.**

5 The Secretary of Veterans Affairs may carry out ad-
6 vance planning for a major medical facility project at each
7 of the following locations, with such planning to be carried
8 out in an amount not to exceed the amount specified for
9 that location:

10 (1) Denver, Colorado, in an amount not to ex-
11 ceed \$30,000,000, of which \$26,000,000 shall be
12 provided by the Secretary of Veterans Affairs and
13 \$4,000,000 shall be provided by the Secretary of De-
14 fense.

15 (2) Pittsburgh, Pennsylvania, in an amount not
16 to exceed \$9,000,000.

17 (3) Las Vegas, Nevada, in an amount not to ex-
18 ceed \$25,000,000.

19 (4) Columbus, Ohio, in an amount not to ex-
20 ceed \$9,000,000.

21 (5) East Central, Florida, in an amount not to
22 exceed \$17,500,000.

1 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated for the Secretary of Veterans Affairs for fiscal
4 year 2004—

5 (1) for the Construction, Major Projects, ac-
6 count, a total of \$363,100,000, of which—

7 (A) \$276,600,000 is for the projects au-
8 thorized in section 211; and

9 (B) \$86,500,000 is for the advance plan-
10 ning authorized in section 213; and

11 (2) for the Medical Care account, \$5,879,000
12 for the leases authorized in section 212.

13 (b) LIMITATION.—The projects authorized in section
14 211 may only be carried out using—

15 (1) funds appropriated for fiscal year 2004 pur-
16 suant to the authorization of appropriations in sub-
17 section (a);

18 (2) funds appropriated for Construction, Major
19 Projects, for a fiscal year before fiscal year 2004
20 that remain available for obligation; and

21 (3) funds appropriated for Construction, Major
22 Projects, for fiscal year 2004 for a category of activ-
23 ity not specific to a project.

1 **Subtitle C—Capital Asset Realign-**
 2 **ment for Enhanced Services Ini-**
 3 **tiative**

4 **SEC. 221. AUTHORIZATION OF MAJOR CONSTRUCTION**
 5 **PROJECTS IN CONNECTION WITH CAPITAL**
 6 **ASSET REALIGNMENT INITIATIVE.**

7 (a) **AUTHORITY TO CARRY OUT MAJOR CONSTRUC-**
 8 **TION PROJECTS.**—Subject to subsection (b), the Secretary
 9 of Veterans Affairs may carry out major construction
 10 projects as specified in the final report of the Capital
 11 Asset Realignment for Enhanced Services Commission
 12 and approved by the Secretary.

13 (b) **LIMITATION.**—The Secretary may not exercise
 14 the authority in subsection (a) until 45 days after the date
 15 of the submittal of the report required by subsection (c).

16 (c) **REPORT ON PROPOSED MAJOR CONSTRUCTION**
 17 **PROJECTS.**—(1) The Secretary shall submit to the Com-
 18 mittees on Veterans' Affairs and the Committees on Ap-
 19 propriations of the Senate and House of Representatives
 20 not later than February 1, 2004, a report describing the
 21 major construction projects the Secretary proposes to
 22 carry out in connection with the Capital Asset Realign-
 23 ment for Enhanced Services initiative.

1 (2) The report shall list each proposed major con-
2 struction project in order of priority, with such priority
3 determined in the order as follows:

4 (A) The use of the facility to be constructed or
5 altered as a replacement or enhancement facility ne-
6 cessitated by the loss, closure, or other divestment of
7 major infrastructure or clinical space at a Depart-
8 ment of Veterans Affairs medical facility currently
9 in operation, as determined by the Secretary.

10 (B) The remedy of life and safety code defi-
11 ciencies, including seismic, egress, and fire defi-
12 ciencies at such facility.

13 (C) The use of such facility to provide health
14 care services to a population that is determined
15 under the Capital Asset Realignment for Enhanced
16 Services initiative to be underserved or not currently
17 served by such facility.

18 (D) The renovation or modernization of such
19 facility, including the provision of barrier-free de-
20 sign, improvement of building systems and utilities,
21 or enhancement of clinical support services.

22 (E) The need for such facility to further an en-
23 hanced-use lease or sharing agreement.

1 (F) Any other factor that the Secretary con-
 2 siders to be of importance in providing care to eligi-
 3 ble veterans.

4 (3) In developing the list of projects and according
 5 a priority to each project, the Secretary should consider
 6 the importance of allocating available resources equitably
 7 among the geographic service areas of the Department
 8 and take into account recent shifts in populations of vet-
 9 erans among those geographic service areas.

10 (d) SUNSET.—The Secretary may not enter into a
 11 contract to carry out major construction projects under
 12 the authority in subsection (a) after September 30, 2006.

13 **SEC. 222. ADVANCE NOTIFICATION OF CAPITAL ASSET RE-**
 14 **ALIGNMENT ACTIONS.**

15 (a) REQUIREMENT FOR ADVANCE NOTIFICATION.—
 16 If the Secretary of Veterans Affairs approves a rec-
 17 ommendation resulting from the Capital Asset Realign-
 18 ment for Enhanced Services initiative, then before taking
 19 any action resulting from that recommendation that would
 20 result in—

- 21 (1) a medical facility closure;
- 22 (2) an administrative reorganization described
- 23 in subsection (c) of section 510 of title 38, United
- 24 States Code; or
- 25 (3) a medical facility consolidation,

1 the Secretary shall submit to Congress a written notifica-
2 tion of the intent to take such action.

3 (b) LIMITATION.—Upon submitting a notification
4 under subsection (a), the Secretary may not take any ac-
5 tion described in the notification until the later of—

6 (1) the end of the 60-day period beginning on
7 the date on which the notification is received by
8 Congress; or

9 (2) the end of a period of 30 days of continuous
10 session of Congress beginning on the date on which
11 the notification is received by Congress or, if either
12 House of Congress is not in session on such date,
13 the first day after such date on which both Houses
14 of Congress are in session.

15 (c) CONTINUOUS SESSION OF CONGRESS.—For the
16 purposes of subsection (b)—

17 (1) the continuity of a session of Congress is
18 broken only by an adjournment of Congress sine die;
19 and

20 (2) any day on which either House is not in
21 session because of an adjournment of more than
22 three days to a day certain is excluded in the com-
23 putation of any period of time in which Congress is
24 in continuous session.

1 (d) MEDICAL FACILITY CONSOLIDATION.—For the
 2 purposes of subsection (a), the term “medical facility con-
 3 solidation” means an action that closes one or more med-
 4 ical facilities for the purpose of relocating those activities
 5 to another medical facility or facilities within the same ge-
 6 ographic service area.

7 **SEC. 223. SENSE OF CONGRESS AND REPORT ON ACCESS**
 8 **TO HEALTH CARE FOR VETERANS IN RURAL**
 9 **AREAS.**

10 (a) SENSE OF CONGRESS.—Recognizing the difficul-
 11 ties that veterans residing in rural areas encounter in
 12 gaining access to health care in facilities of the Depart-
 13 ment of Veterans Affairs, it is the sense of Congress that
 14 the Secretary of Veterans Affairs should take steps to en-
 15 sure that an appropriate mix of facilities and clinical staff
 16 is available for health care for veterans residing in rural
 17 areas.

18 (b) REPORT.—Not later than 120 days after the date
 19 of the enactment of this Act, the Secretary of Veterans
 20 Affairs shall submit to the Committees on Veterans’ Af-
 21 fairs of the Senate and House of Representatives a report
 22 describing the steps the Secretary is taking, and intends
 23 to take, to improve access to health care for veterans re-
 24 siding in rural areas.

1 **Subtitle D—Plans for New**
2 **Facilities**

3 **SEC. 231. PLANS FOR FACILITIES IN SPECIFIED AREAS.**

4 (a) SOUTHERN NEW JERSEY.—(1) The Secretary of
5 Veterans Affairs shall develop a plan for meeting the fu-
6 ture hospital care needs of veterans who reside in southern
7 New Jersey.

8 (2) For purposes of paragraph (1), the term “south-
9 ern New Jersey” means the following counties of the State
10 of New Jersey: Ocean, Burlington, Camden, Gloucester,
11 Salem, Cumberland, Atlantic, and Cape May.

12 (b) FAR SOUTH TEXAS.—(1) The Secretary shall de-
13 velop a plan for meeting the future hospital care needs
14 of veterans who reside in far south Texas.

15 (2) For purposes of paragraph (1), the term “far
16 south Texas” means the following counties of the State
17 of Texas: Bee, Calhoun, Crockett, DeWitt, Dimmit,
18 Goliad, Jackson, Victoria, Webb, Aransas, Duval, Jim
19 Wells, Kleberg, Nueces, Refugio, San Patricio, Brooks,
20 Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, and
21 Zapata.

22 (c) NORTH CENTRAL WASHINGTON.—(1) The Sec-
23 retary shall develop a plan for meeting the future hospital
24 care needs of veterans who reside in north central Wash-
25 ington.

1 (2) For purposes of paragraph (1), the term “north
 2 central Washington” means the following counties of the
 3 State of Washington: Chelan, Douglas, Ferry, Grant,
 4 Kittitas, and Okanogan.

5 (d) PENSACOLA AREA.—(1) The Secretary shall de-
 6 velop a plan for meeting the future hospital care needs
 7 of veterans who reside in the Pensacola area.

8 (2) For purposes of paragraph (1), the term “Pensa-
 9 cola area” means—

10 (A) the counties of Escambia, Santa Rosa,
 11 Okaloosa, Walton, Holmes, Washington, Bay, Jack-
 12 son, Calhoun, Liberty, Gulf, and Franklin of the
 13 State of Florida; and

14 (B) the counties of Covington, Geneva, Hous-
 15 ton, and Escambia of the State of Alabama.

16 (e) CONSIDERATION OF USE OF CERTAIN EXISTING
 17 AUTHORITIES.—In developing the plans under this sec-
 18 tion, the Secretary shall, at a minimum, consider options
 19 using the existing authorities of sections 8111 and 8153
 20 of title 38, United States Code, to—

21 (1) establish a hospital staffed and managed by
 22 employees of the Department, either in private or
 23 public facilities, including Federal facilities; or

1 (2) enter into contracts with existing Federal
2 facilities, private facilities, and private providers for
3 that care.

4 (f) REPORT.—The Secretary shall submit to the
5 Committees on Veterans’ Affairs of the Senate and House
6 of Representatives a report on each plan under this section
7 not later than April 15, 2004.

8 **SEC. 232. STUDY AND REPORT ON FEASIBILITY OF COORDI-**
9 **NATION OF VETERANS HEALTH CARE SERV-**
10 **ICES IN SOUTH CAROLINA WITH NEW UNI-**
11 **VERSITY MEDICAL CENTER.**

12 (a) STUDY REQUIRED.—The Secretary of Veterans
13 Affairs shall conduct a study to examine the feasibility of
14 coordination by the Department of Veterans Affairs of its
15 needs for inpatient hospital, medical care, and long-term
16 care services for veterans with the pending construction
17 of a new university medical center at the Medical Univer-
18 sity of South Carolina, Charleston, South Carolina.

19 (b) MATTERS TO BE INCLUDED IN STUDY.—(1) As
20 part of the study under subsection (a), the Secretary shall
21 consider the following:

22 (A) Integration with the Medical University of
23 South Carolina of some or all of the services referred
24 to in subsection (a) through contribution to the con-

1 struction of that university's new medical facility or
 2 by becoming a tenant provider in that new facility.

3 (B) Construction by the Department of Vet-
 4 erans Affairs of a new independent inpatient or out-
 5 patient facility alongside or nearby the university's
 6 new facility.

7 (2) In carrying out paragraph (1), the Secretary shall
 8 consider the degree to which the Department and the uni-
 9 versity medical center would be able to share expensive
 10 technologies and scarce specialty services that would affect
 11 any such plans of the Secretary or the university.

12 (3) In carrying out the study, the Secretary shall es-
 13 pecially consider the applicability of the authorities under
 14 section 8153 of title 38, United States Code (relating to
 15 sharing of health care resources between the Department
 16 and community provider organizations), to govern future
 17 arrangements and relationships between the Department
 18 and the Medical University of South Carolina.

19 (c) CONSULTATION WITH SECRETARY OF DE-
 20 FENSE.—The Secretary of Veterans Affairs shall consult
 21 with the Secretary of Defense in carrying out the study
 22 under this section. Such consultation shall include consid-
 23 eration of establishing a Department of Veterans Affairs-
 24 Department of Defense joint health-care venture at the
 25 site referred to in subsection (a).

1 (d) REPORT.—Not later than April 15, 2004, the
 2 Secretary shall submit to the Committees on Veterans’ Af-
 3 fairs of the Senate and House of Representatives a report
 4 on the results of the study. The report shall include the
 5 Secretary’s recommendations with respect to coordination
 6 described in subsection (a), including recommendations
 7 with respect to each of the matters referred to in sub-
 8 section (b).

9 **Subtitle E—Designation of** 10 **Facilities**

11 **SEC. 241. DESIGNATION OF DEPARTMENT OF VETERANS** 12 **AFFAIRS MEDICAL CENTER, PRESCOTT, ARI-** 13 **ZONA, AS THE BOB STUMP DEPARTMENT OF** 14 **VETERANS AFFAIRS MEDICAL CENTER.**

15 The Department of Veterans Affairs Medical Center
 16 located in Prescott, Arizona, shall after the date of the
 17 enactment of this Act be known and designated as the
 18 “Bob Stump Department of Veterans Affairs Medical
 19 Center”. Any reference to such medical center in any law,
 20 regulation, map, document, or other paper of the United
 21 States shall be considered to be a reference to the Bob
 22 Stump Department of Veterans Affairs Medical Center.

1 **SEC. 242. DESIGNATION OF DEPARTMENT OF VETERANS**
 2 **AFFAIRS HEALTH CARE FACILITY, CHICAGO,**
 3 **ILLINOIS, AS THE JESSE BROWN DEPART-**
 4 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
 5 **TER.**

6 The Department of Veterans Affairs health care facil-
 7 ity located at 820 South Damen Avenue in Chicago, Illi-
 8 nois, shall after the date of the enactment of this Act be
 9 known and designated as the “Jesse Brown Department
 10 of Veterans Affairs Medical Center”. Any reference to
 11 such facility in any law, regulation, map, document,
 12 record, or other paper of the United States shall be consid-
 13 ered to be a reference to the Jesse Brown Department
 14 of Veterans Affairs Medical Center.

15 **SEC. 243. DESIGNATION OF DEPARTMENT OF VETERANS**
 16 **AFFAIRS MEDICAL CENTER, HOUSTON,**
 17 **TEXAS, AS THE MICHAEL E. DEBAKEY DE-**
 18 **PARTMENT OF VETERANS AFFAIRS MEDICAL**
 19 **CENTER.**

20 The Department of Veterans Affairs Medical Center
 21 in Houston, Texas, shall after the date of the enactment
 22 of this Act be known and designated as the “Michael E.
 23 DeBakey Department of Veterans Affairs Medical Cen-
 24 ter”. Any reference to such facility in any law, regulation,
 25 map, document, record, or other paper of the United
 26 States shall be considered to be a reference to the Michael

1 E. DeBakey Department of Veterans Affairs Medical Cen-
 2 ter.

3 **SEC. 244. DESIGNATION OF DEPARTMENT OF VETERANS**
 4 **AFFAIRS MEDICAL CENTER, SALT LAKE CITY,**
 5 **UTAH, AS THE GEORGE E. WAHLEN DEPART-**
 6 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
 7 **TER.**

8 The Department of Veterans Affairs Medical Center
 9 in Salt Lake City, Utah, shall after the date of the enact-
 10 ment of this Act be known and designated as the “George
 11 E. Wahlen Department of Veterans Affairs Medical Cen-
 12 ter”. Any references to such facility in any law, regulation,
 13 map, document, record, or other paper of the United
 14 States shall be considered to be a reference to the George
 15 E. Wahlen Department of Veterans Affairs Medical Cen-
 16 ter.

17 **SEC. 245. DESIGNATION OF DEPARTMENT OF VETERANS**
 18 **AFFAIRS OUTPATIENT CLINIC, NEW LONDON,**
 19 **CONNECTICUT.**

20 The Department of Veterans Affairs outpatient clinic
 21 located in New London, Connecticut, shall after the date
 22 of the enactment of this Act be known and designated as
 23 the “John J. McGuirk Department of Veterans Affairs
 24 Outpatient Clinic”. Any reference to such outpatient clinic
 25 in any law, regulation, map, document, record, or other

1 paper of the United States shall be considered to be a ref-
 2 erence to the John J. McGuirk Department of Veterans
 3 Affairs Outpatient Clinic.

4 **SEC. 246. DESIGNATION OF DEPARTMENT OF VETERANS**
 5 **AFFAIRS OUTPATIENT CLINIC, HORSHAM,**
 6 **PENNSYLVANIA.**

7 The Department of Veterans Affairs outpatient clinic
 8 located in Horsham, Pennsylvania, shall after the date of
 9 the enactment of this Act be known and designated as the
 10 “Victor J. Saracini Department of Veterans Affairs Out-
 11 patient Clinic”. Any reference to such outpatient clinic in
 12 any law, regulation, map, document, record, or other
 13 paper of the United States shall be considered to be a ref-
 14 erence to the Victor J. Saracini Department of Veterans
 15 Affairs Outpatient Clinic.

16 **TITLE III—PERSONNEL**
 17 **MATTERS**

18 **SEC. 301. MODIFICATION OF AUTHORITIES ON APPOINT-**
 19 **MENT AND PROMOTION OF PERSONNEL IN**
 20 **THE VETERANS HEALTH ADMINISTRATION.**

21 (a) POSITIONS TREATABLE AS HYBRID STATUS PO-
 22 SITIONS.—(1) Section 7401 is amended—

23 (A) by striking paragraph (2) and inserting the
 24 following new paragraph (2):

1 “(2) Scientific and professional personnel, such
 2 as microbiologists, chemists, and biostatisticians.”;
 3 and

4 (B) by striking paragraph (3) and inserting the
 5 following new paragraph (3):

6 “(3) Audiologists, speech pathologists, and au-
 7 diologist-speech pathologists, biomedical engineers,
 8 certified or registered respiratory therapists, dieti-
 9 tians, licensed physical therapists, licensed practical
 10 or vocational nurses, medical instrument technicians,
 11 medical records administrators or specialists, med-
 12 ical records technicians, medical and dental tech-
 13 nologists, nuclear medicine technologists, occupa-
 14 tional therapists, occupational therapy assistants,
 15 kinesiotherapists, orthotist-prosthetists, pharmacists,
 16 pharmacy technicians, physical therapy assistants,
 17 prosthetic representatives, psychologists, diagnostic
 18 radiologic technicians, therapeutic radiologic techni-
 19 cians, and social workers.”.

20 (2) Personnel appointed to the Veterans Health Ad-
 21 ministration before the date of the enactment of this Act
 22 who are in an occupational category of employees specified
 23 in paragraph (3) of section 7401 of title 38, United States
 24 Code, by reason of the amendment made by paragraph
 25 (1)(B) of this subsection shall, as of such date, be deemed

1 to have been appointed to the Administration under such
 2 paragraph (3).

3 (b) APPOINTMENTS AND PROMOTIONS.—Section
 4 7403 of such title is amended—

5 (1) in subsection (f)(3)—

6 (A) by inserting “reductions-in-force, the
 7 applicability of the principles of preference re-
 8 ferred to in paragraph (2), rights of part-time
 9 employees,” after “adverse actions,”;

10 (B) by inserting “, whether appointed
 11 under this section or section 7405(a)(1)(B) of
 12 this title” after “such positions”; and

13 (C) by inserting a comma after “status”;
 14 and

15 (2) by adding at the end the following new sub-
 16 section:

17 “(h)(1) If the Secretary uses the authority provided
 18 in subsection (c) for the promotion and advancement of
 19 an occupational category of employees described in section
 20 7401(3) of this title, as authorized by subsection
 21 (f)(1)(B), the Secretary shall do so through one or more
 22 systems prescribed by the Secretary. Each such system
 23 shall be planned, developed, and implemented in collabora-
 24 tion with, and with the participation of, exclusive employee

1 representatives of such occupational category of employ-
2 ees.

3 “(2)(A) Before prescribing a system of promotion
4 and advancement of an occupational category of employees
5 under paragraph (1), the Secretary shall provide to exclu-
6 sive employee representatives of such occupational cat-
7 egory of employees a written description of the proposed
8 system.

9 “(B) Not later than 30 days after receipt of the de-
10 scription of a proposed system under subparagraph (A),
11 exclusive employee representatives may submit to the Sec-
12 retary the recommendations, if any, of such exclusive em-
13 ployee representatives with respect to the proposed sys-
14 tem.

15 “(C) The Secretary shall give full and fair consider-
16 ation to any recommendations received under subpara-
17 graph (B) in deciding whether and how to proceed with
18 a proposed system.

19 “(3) The Secretary shall implement immediately any
20 part of a system of promotion and advancement under
21 paragraph (1) that is proposed under paragraph (2) for
22 which the Secretary receives no recommendations from ex-
23 clusive employee representatives under paragraph (2).

24 “(4) If the Secretary receives recommendations under
25 paragraph (2) from exclusive employee representatives on

1 any part of a proposed system of promotion and advance-
2 ment under that paragraph, the Secretary shall determine
3 whether or not to accept the recommendations, either in
4 whole or in part. If the Secretary determines not to accept
5 all or part of the recommendations, the Secretary shall—

6 “(A) notify the congressional veterans’ affairs
7 committees of the recommendations and of the por-
8 tion of the recommendations that the Secretary has
9 determined not to accept;

10 “(B) meet and confer with such exclusive em-
11 ployee representatives, for a period not less than 30
12 days, for purposes of attempting to reach an agree-
13 ment on whether and how to proceed with the por-
14 tion of the recommendations that the Secretary has
15 determined not to accept;

16 “(C) at the election of the Secretary, or of a
17 majority of such exclusive employee representatives
18 who are participating in negotiations on such mat-
19 ter, employ the services of the Federal Mediation
20 and Conciliation Service during the period referred
21 to in subparagraph (B) for purposes of reaching
22 such agreement; and

23 “(D) if the Secretary determines that activities
24 under subparagraph (B), (C), or both are unsucces-
25 ful at reaching such agreement and determines (in

1 the sole and unreviewable discretion of the Sec-
2 retary) that further meeting and conferral under
3 subparagraph (B), mediation under subparagraph
4 (C), or both are unlikely to reach such agreement—

5 “(i) notify the congressional veterans’ af-
6 fairs committees of such determinations, iden-
7 tify for such committees the portions of the rec-
8 ommendations that the Secretary has deter-
9 mined not to accept, and provide such commit-
10 tees an explanation and justification for deter-
11 mining to implement the part of the system
12 subject to such portions of the recommenda-
13 tions without regard to such portions of the rec-
14 ommendations; and

15 “(ii) commencing not earlier than 30 days
16 after notice under clause (i), implement the
17 part of the system subject to the recommenda-
18 tions that the Secretary has determined not to
19 accept without regard to those recommenda-
20 tions.

21 “(5) If the Secretary and exclusive employee rep-
22 resentatives reach an agreement under paragraph (4) pro-
23 viding for the resolution of a disagreement on one or more
24 portions of the recommendations that the Secretary had

1 determined not to accept under that paragraph, the Sec-
2 retary shall immediately implement such resolution.

3 “(6) In implementing a system of promotion and ad-
4 vancement under this subsection, the Secretary shall—

5 “(A) develop and implement mechanisms to
6 permit exclusive employee representatives to partici-
7 pate in the periodic review and evaluation of the sys-
8 tem, including peer review, and in any further plan-
9 ning or development required with respect to the
10 system as a result of such review and evaluation;
11 and

12 “(B) provide exclusive employee representatives
13 appropriate access to information to ensure that the
14 participation of such exclusive employee representa-
15 tive in activities under subparagraph (A) is produc-
16 tive.

17 “(7)(A) The Secretary may from time to time modify
18 a system of promotion and advancement under this sub-
19 section.

20 “(B) In modifying a system, the Secretary shall take
21 into account any recommendations made by the exclusive
22 employee representatives concerned.

23 “(C) In modifying a system, the Secretary shall com-
24 ply with paragraphs (2) through (5) and shall treat any

1 proposal for the modification of a system as a proposal
2 for a system for purposes of such paragraphs.

3 “(D) The Secretary shall promptly submit to the con-
4 gressional veterans’ affairs committees a report on any
5 modification of a system. Each report shall include—

6 “(i) an explanation and justification of the
7 modification; and

8 “(ii) a description of any recommendations of
9 exclusive employee representatives with respect to
10 the modification and a statement whether or not the
11 modification was revised in light of such rec-
12 ommendations.

13 “(8) In the case of employees who are not within a
14 unit with respect to which a labor organization is accorded
15 exclusive recognition, the Secretary may develop proce-
16 dures for input from representatives under this subsection
17 from any appropriate organization that represents a sub-
18 stantial percentage of such employees or, if none, in such
19 other manner as the Secretary considers appropriate, con-
20 sistent with the purposes of this subsection.

21 “(9) In this subsection, the term ‘congressional vet-
22 erans’ affairs committees’ means the Committees on Vet-
23 erans’ Affairs of the Senate and the House of Representa-
24 tives.”.

1 (c) TEMPORARY, PART-TIME, AND WITHOUT COM-
 2 PENSATION APPOINTMENTS.—Section 7405 of such title
 3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking subpara-
 6 graphs (B) and (C) and inserting the following
 7 new subparagraphs:

8 “(B) Positions listed in section 7401(3) of
 9 this title.

10 “(C) Librarians.”; and

11 (B) in paragraph (2), by striking subpara-
 12 graph (B) and inserting the following new sub-
 13 paragraph (B):

14 “(B) Positions listed in section 7401(3) of
 15 this title.”; and

16 (2) in subsection (c)(1), by striking “section
 17 7401(1)” and inserting “paragraphs (1) and (3) of
 18 section 7401”.

19 (d) AUTHORITY FOR ADDITIONAL PAY FOR CERTAIN
 20 HEALTH CARE PROFESSIONALS.—Section 7454(b)(1) of
 21 such title is amended by striking “certified or registered”
 22 and all that follows through “occupational therapists,”
 23 and inserting “individuals in positions listed in section
 24 7401(3) of this title,”.

1 **SEC. 302. APPOINTMENT OF CHIROPRACTORS IN THE VET-**
 2 **ERANS HEALTH ADMINISTRATION.**

3 (a) APPOINTMENTS.—Section 7401 is amended—

4 (1) in the matter preceding paragraph (1), by
 5 striking “medical” and inserting “health”; and

6 (2) in paragraph (1), by inserting “chiroprac-
 7 tors,” after “podiatrists,”.

8 (b) QUALIFICATIONS OF APPOINTEES.—Section
 9 7402(b) is amended—

10 (1) by redesignating paragraph (10) as para-
 11 graph (11); and

12 (2) by inserting after paragraph (9) the fol-
 13 lowing new paragraph (10):

14 “(10) CHIROPRACTOR.—To be eligible to be ap-
 15 pointed to a chiropractor position, a person must—

16 “(A) hold the degree of doctor of chiropractic,
 17 or its equivalent, from a college of chiropractic ap-
 18 proved by the Secretary; and

19 “(B) be licensed to practice chiropractic in a
 20 State.”.

21 (c) PERIOD OF APPOINTMENTS AND PROMOTIONS.—
 22 Section 7403(a)(2) is amended by adding at the end the
 23 following new subparagraph:

24 “(H) Chiropractors.”.

1 (d) GRADES AND PAY SCALES.—Section 7404(b)(1)
 2 is amended by striking the third center heading in the
 3 table and inserting the following:

“CLINICAL PODIATRIST, CHIROPRACTOR, AND OPTOMETRIST
 SCHEDULE”.

4 (e) MALPRACTICE AND NEGLIGENCE PROTECTION.—
 5 Section 7316(a) is amended—

6 (1) in paragraph (1), by striking “medical”
 7 each place it appears and inserting “health”; and

8 (2) in paragraph (2)—

9 (A) by striking “medical” the first place it
 10 appears and inserting “health”; and

11 (B) by inserting “chiropractor,” after “po-
 12 diatrist,”.

13 (f) TREATMENT AS SCARCE MEDICAL SPECIALISTS
 14 FOR CONTRACTING PURPOSES.—Section 7409(a) is
 15 amended by inserting “chiropractors,” in the second sen-
 16 tence after “optometrists,”.

17 (g) COLLECTIVE BARGAINING EXEMPTION.—Section
 18 7421(b) is amended by adding at the end the following
 19 new paragraph:

20 “(8) Chiropractors.”.

21 (h) EFFECTIVE DATE.—The amendments made by
 22 this section shall take effect at the end of the 180-day
 23 period beginning on the date of the enactment of this Act.

1 **SEC. 303. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY**
 2 **FOR ADDITIONAL HEALTH CARE WORKERS IN**
 3 **THE VETERANS HEALTH ADMINISTRATION.**

4 (a) IN GENERAL.—Section 7454(b) is amended by
 5 adding at the end the following new paragraph:

6 “(3) Employees appointed under section 7408 of this
 7 title shall be entitled to additional pay on the same basis
 8 as provided for nurses in section 7453(c) of this title.”.

9 (b) APPLICABILITY.—The amendment made by sub-
 10 section (a) shall take effect with respect to the first pay
 11 period beginning on or after January 1, 2004.

12 **SEC. 304. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-**
 13 **TEEN SERVICE UNDER ADDITIONAL EMPLOY-**
 14 **MENT LAWS.**

15 (a) COVERAGE.—Paragraph (5) of section 7802 is
 16 amended by inserting before the semicolon a period and
 17 the following: “An employee appointed under this section
 18 may be considered for appointment to a Department posi-
 19 tion in the competitive service in the same manner that
 20 a Department employee in the competitive service is con-
 21 sidered for transfer to such position. An employee of the
 22 Service who is appointed to a Department position in the
 23 competitive service under the authority of the preceding
 24 sentence may count toward the time-in-service require-
 25 ment for a career appointment in such position any pre-
 26 vious period of employment in the Service”.

1 (b) TECHNICAL AMENDMENTS.—Such section is fur-
 2 ther amended—

3 (1) by striking the semicolon at the end of each
 4 of paragraphs (1) through (10) and inserting a pe-
 5 riod;

6 (2) by striking “The Secretary ” and all that
 7 follows through “(1) establish,” and inserting “(a)
 8 LOCATIONS FOR CANTEENS.—The Secretary shall
 9 establish,”;

10 (3) by redesignating paragraphs (2) through
 11 (11) as subsections (b) through (k), respectively, and
 12 by realigning those subsections (as so redesignated)
 13 so as to be flush to the left margin;

14 (4) in subsection (b) (as so redesignated), by
 15 inserting “WAREHOUSES AND STORAGE DEPOTS.—
 16 The Secretary shall” before “establish”;

17 (5) in subsection (c) (as so redesignated), by in-
 18 serting “SPACE, BUILDINGS, AND STRUCTURES.—
 19 The Secretary shall” before “furnish”;

20 (6) in subsection (d) (as so redesignated), by
 21 inserting “EQUIPMENT, SERVICES, AND UTILI-
 22 TIES.—The Secretary shall” before “transfer”;

23 (7) in subsection (e) (as so redesignated and as
 24 amended by subsection (a)), by inserting “PER-
 25 SONNEL.—The Secretary shall” before “employ”;

1 (8) in subsection (f) (as so redesignated), by in-
 2 serting “CONTRACTS AND AGREEMENTS.—The Sec-
 3 retary shall” before “make all”;

4 (9) in subsection (g) (as so redesignated), by
 5 inserting “PRICES.—The Secretary shall” before
 6 “fix the”;

7 (10) in subsection (h) (as so redesignated), by
 8 inserting “GIFTS AND DONATIONS.—The Secretary
 9 may” before “accept”;

10 (11) in subsection (i) (as so redesignated), by
 11 inserting “RULES AND REGULATIONS.—The Sec-
 12 retary shall” before “make such”;

13 (12) in subsection (j) (as so redesignated), by
 14 inserting “DELEGATION.—The Secretary may” be-
 15 fore “delegate such”; and

16 (13) in subsection (k) (as so redesignated), by
 17 inserting “AUTHORITY TO CASH CHECKS, ETC.—
 18 The Secretary may” before “authorize”.

19 **TITLE IV—OTHER MATTERS**

20 **SEC. 401. OFFICE OF RESEARCH OVERSIGHT IN VETERANS**

21 **HEALTH ADMINISTRATION.**

22 (a) STATUTORY CHARTER.—(1) Chapter 73 is
 23 amended by inserting after section 7306 the following new
 24 section:

1 **“§ 7307. Office of Research Oversight**

2 “(a) REQUIREMENT FOR OFFICE.—(1) There is in
3 the Veterans Health Administration an Office of Research
4 Oversight (hereinafter in this section referred to as the
5 ‘Office’). The Office shall advise the Under Secretary for
6 Health on matters of compliance and assurance in human
7 subjects protections, research safety, and research impro-
8 priety and misconduct. The Office shall function independ-
9 ently of entities within the Veterans Health Administra-
10 tion with responsibility for the conduct of medical research
11 programs.

12 “(2) The Office shall—

13 “(A) monitor, review, and investigate matters of
14 medical research compliance and assurance in the
15 Department with respect to human subjects protec-
16 tions; and

17 “(B) monitor, review, and investigate matters
18 relating to the protection and safety of human sub-
19 jects and Department employees participating in
20 medical research in Department programs.

21 “(b) DIRECTOR.—(1) The head of the Office shall be
22 a Director, who shall report directly to the Under Sec-
23 retary for Health (without delegation).

24 “(2) Any person appointed as Director shall be—

1 “(A) an established expert in the field of med-
2 ical research, administration of medical research
3 programs, or similar fields; and

4 “(B) qualified to carry out the duties of the Of-
5 fice based on demonstrated experience and expertise.

6 “(c) FUNCTIONS.—(1) The Director shall report to
7 the Under Secretary for Health on matters relating to pro-
8 tections of human subjects in medical research projects
9 of the Department under any applicable Federal law and
10 regulation, the safety of employees involved in Department
11 medical research programs, and suspected misconduct and
12 impropriety in such programs. In carrying out the pre-
13 ceding sentence, the Director shall consult with employees
14 of the Veterans Health Administration who are respon-
15 sible for the management and conduct of Department
16 medical research programs.

17 “(2) The matters to be reported by the Director to
18 the Under Secretary under paragraph (1) shall include al-
19 legations of research impropriety and misconduct by em-
20 ployees engaged in medical research programs of the De-
21 partment.

22 “(3)(A) When the Director determines that such a
23 recommendation is warranted, the Director may rec-
24 ommend to the Under Secretary that a Department re-

1 search activity be terminated, suspended, or restricted, in
2 whole or in part.

3 “(B) In a case in which the Director reasonably be-
4 lieves that activities of a medical research project of the
5 Department place human subjects’ lives or health at immi-
6 nent risk, the Director shall direct that activities under
7 that project be immediately suspended or, as appropriate
8 and specified by the Director, be limited.

9 “(d) GENERAL FUNCTIONS.—(1) The Director shall
10 conduct periodic inspections and reviews, as the Director
11 determines appropriate, of medical research programs of
12 the Department. Such inspections and reviews shall in-
13 clude review of required documented assurances.

14 “(2) The Director shall observe external accreditation
15 activities conducted for accreditation of medical research
16 programs conducted in facilities of the Department.

17 “(3) The Director shall investigate allegations of re-
18 search impropriety and misconduct in medical research
19 projects of the Department.

20 “(4) The Director shall submit to the Under Sec-
21 retary for Health, the Secretary, and the Committees on
22 Veterans’ Affairs of the Senate and House of Representa-
23 tives a report on any suspected lapse, from whatever cause
24 or causes, in protecting safety of human subjects and oth-

1 ers, including employees, in medical research programs of
2 the Department.

3 “(5) The Director shall carry out such other duties
4 as the Under Secretary for Health may require.

5 “(e) SOURCE OF FUNDS.—Amounts for the activities
6 of the Office, including its regional offices, shall be derived
7 from amounts appropriated for the Veterans Health Ad-
8 ministration for Medical Care.

9 “(f) ANNUAL REPORT.—Not later than March 15
10 each year, the Director shall submit to the Committees
11 on Veterans’ Affairs of the Senate and House of Rep-
12 resentatives a report on the activities of the Office during
13 the preceding calendar year. Each such report shall in-
14 clude, with respect to that year, the following:

15 “(1) A summary of reviews of individual med-
16 ical research programs of the Department completed
17 by the Office.

18 “(2) Directives and other communications
19 issued by the Office to field activities of the Depart-
20 ment.

21 “(3) Results of any investigations undertaken
22 by the Office during the reporting period consonant
23 with the purposes of this section.

1 “(4) Other information that would be of inter-
 2 est to those committees in oversight of the Depart-
 3 ment medical research program.

4 “(g) MEDICAL RESEARCH.—For purposes of this sec-
 5 tion, the term ‘medical research’ means medical research
 6 described in section 7303(a)(2) of this title.”.

7 (2) The table of sections at the beginning of such
 8 chapter is amended by inserting after the item relating
 9 to section 7306 the following new item:

 “7307. Office of Research Oversight.”.

10 (b) CONFORMING AMENDMENT.—Section 7303 is
 11 amended by striking subsection (e).

12 **SEC. 402. ENHANCEMENT OF AUTHORITIES RELATING TO**
 13 **NONPROFIT RESEARCH CORPORATIONS.**

14 (a) COVERAGE OF PERSONNEL UNDER TORT CLAIMS
 15 LAWS.—(1) Subchapter IV of chapter 73 is amended by
 16 inserting after section 7364 the following new section:

17 **“§ 7364A. Coverage of employees under certain Fed-**
 18 **eral tort claims laws**

19 “(a) An employee of a corporation established under
 20 this subchapter who is described by subsection (b) shall
 21 be considered an employee of the Government, or a med-
 22 ical care employee of the Veterans Health Administration,
 23 for purposes of the following provisions of law:

24 “(1) Section 1346(b) of title 28.

25 “(2) Chapter 171 of title 28.

1 “(3) Section 7316 of this title

2 “(b) An employee described in this subsection is an
3 employee who—

4 “(1) has an appointment with the Department,
5 whether with or without compensation;

6 “(2) is directly or indirectly involved or engaged
7 in research or education and training that is ap-
8 proved in accordance with procedures established by
9 the Under Secretary for Health for research or edu-
10 cation and training; and

11 “(3) performs such duties under the supervision
12 of Department personnel.”.

13 (2) The table of sections at the beginning of such
14 chapter is amended by inserting after the item relating
15 to section 7364 the following new item:

“7364A. Coverage of employees under certain Federal tort claims laws.”.

16 (b) CLARIFICATION OF EXECUTIVE DIRECTOR’S
17 ETHICS CERTIFICATION DUTIES.—Section 7366(c) is
18 amended—

19 (1) by inserting “(1)” after “(c)”;

20 (2) by striking “any year—” and all that fol-
21 lows through “shall be subject” and inserting “any
22 year shall be subject”;

23 (3) by striking “functions; and” and inserting
24 “functions.”; and

1 (4) by striking paragraph (2) and inserting the
2 following:

3 “(2) Each corporation established under this sub-
4 chapter shall each year submit to the Secretary a state-
5 ment signed by the executive director of the corporation
6 verifying that each director and employee has certified
7 awareness of the laws and regulations referred to in para-
8 graph (1) and of the consequences of violations of those
9 laws and regulations in the same manner as Federal em-
10 ployees are required to so certify.”.

11 (c) FIVE-YEAR EXTENSION OF AUTHORITY TO ES-
12 TABLISH RESEARCH CORPORATIONS.—Section 7368 is
13 amended by striking “December 31, 2003” and inserting
14 “December 31, 2008”.

15 **SEC. 403. DEPARTMENT OF DEFENSE PARTICIPATION IN**
16 **REVOLVING SUPPLY FUND PURCHASES.**

17 (a) ENHANCEMENT OF DEPARTMENT OF DEFENSE
18 PARTICIPATION.—Section 8121 is amended—

19 (1) by redesignating subsections (b) and (c) as
20 subsections (d) and (e), respectively;

21 (2) by designating the last sentence of sub-
22 section (a) as subsection (c); and

23 (3) by inserting after paragraph (3) of sub-
24 section (a) the following new subsection (b):

1 “(b) The Secretary may authorize the Secretary of
 2 Defense to make purchases through the fund in the same
 3 manner as activities of the Department. When services,
 4 equipment, or supplies are furnished to the Secretary of
 5 Defense through the fund, the reimbursement required by
 6 paragraph (2) of subsection (a) shall be made from appro-
 7 priations made to the Department of Defense, and when
 8 services or supplies are to be furnished to the Department
 9 of Defense, the fund may be credited, as provided in para-
 10 graph (3) of subsection (a), with advances from appropria-
 11 tions available to the Department of Defense.”.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 subsection (a) shall apply only with respect to funds ap-
 14 propriated for a fiscal year after fiscal year 2003.

15 **SEC. 404. FIVE-YEAR EXTENSION OF HOUSING ASSISTANCE**
 16 **FOR HOMELESS VETERANS.**

17 Section 2041(c) is amended by striking “December
 18 31, 2003” and inserting “December 31, 2008”.

19 **SEC. 405. REPORT DATE CHANGES.**

20 (a) SENIOR MANAGERS QUARTERLY REPORT.—Sec-
 21 tion 516(e)(1)(A) is amended by striking “30 days” and
 22 inserting “45 days”.

23 (b) ANNUAL REPORT ON ASSISTANCE TO HOMELESS
 24 VETERANS.—Section 2065(a) is amended by striking

1 “April 15 of each year” and inserting “June 15 of each
2 year”.

3 (c) ANNUAL REPORT OF COMMITTEE ON CARE OF
4 SEVERELY CHRONICALLY MENTALLY ILL VETERANS.—
5 Section 7321(d)(2) is amended by striking “February 1,
6 1998, and February 1 of each of the six following years”
7 and inserting “June 1 of each year through 2008”.

8 (d) ANNUAL REPORT ON SHARING OF HEALTH CARE
9 RESOURCES.—Section 8153(g) is amended—

10 (1) by striking “not more than 60 days after
11 the end of each fiscal year” and inserting “not later
12 than February 1 of each year”; and

13 (2) by inserting “during the preceding fiscal
14 year” after “under this section”.

15 (e) ANNUAL REPORT OF SPECIAL COMMITTEE ON
16 PTSD.—Section 110(e)(2) of the Veterans’ Health Care
17 Act of 1984 (38 U.S.C. 1712A note) is amended by strik-
18 ing “February 1 of each of the three following years” and
19 inserting “May 1 of each year through 2008”.

Passed the Senate November 19, 2003.

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

S. 1156

AN ACT

To amend title 38, United States Code, to improve and enhance provision of health care for veterans, to authorize major construction projects and other facilities matters for the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.